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IRS Telework IG vs. Federal Law: Template Letters to Fight Back

TL;DR

The June 2025 IRS Interim Guidance (IG HCO-06-0525-0001) conflicts with the Telework Enhancement Act of 2010 — an Act of Congress still on the books. Three ready-to-use template documents are attached:

• TIGTA complaint (Treasury's internal watchdog) • Senate letter (Finance Committee) • House letter (Ways and Means)

Fill in your info and send. Submission instructions are inside each document. Not legal advice — see disclaimers below.

THE LAW AND THE PROBLEM

The Telework Enhancement Act of 2010 (5 U.S.C. Chapter 65) passed the Senate by unanimous consent. It has not been amended or repealed. It requires agencies to authorize eligible employees to telework "to the maximum extent possible." On June 23, 2025, Acting IRS Human Capital Officer David P. Traynor issued IG HCO-06-0525-0001, cancelling all telework agreements and prohibiting routine telework servicewide. Here's how that conflicts with the law:

FIVE LEGAL CONFLICTS

- CONFLICT 1 — BLANKET CANCELLATION: The law requires individualized written notice to each employee when telework is denied (5 U.S.C. § 6502(b)(2)). The IRS's own IRM (6.800.2.2.8) requires a written denial per employee within 20 business days, uploaded to a Telework Denial Library. A single servicewide memo cancelling all agreements satisfies neither. Did you get an individualized written denial? Most people didn't.
- CONFLICT 2 — THE 5-DAY CAP: The law says "maximum extent possible." Five Ad Hoc days per year for an employee with fully portable duties is not the maximum extent possible — by any reading.
- CONFLICT 3 — ROUTINE TELEWORK PROHIBITION: The law doesn't authorize a categorical ban on routine telework for eligible employees. The IRM defined three recurring telework types (Ad Hoc, Recurring, Frequent). The IG eliminated two with no statutory basis.
- CONFLICT 4 — PRESIDENTIAL MEMO CAN'T OVERRIDE A LAW: The IG lists the 2010 Act as authority #1, then uses a Presidential Memo and Treasury directives to gut it. Executive directives are subordinate to Acts of Congress. The statute controls.
- CONFLICT 5 — COOP: The law requires telework built into Continuity of Operations Plans (5 U.S.C. § 6504(a)). IRM 6.800.2.5.4 requires portable-position employees to maintain approved agreements for emergencies. Cancelling all agreements dismantles that infrastructure.

WHAT THE IG PRESERVED

Three categories remain protected and should not be touched: pre-existing Reasonable Accommodations (IG § 2(h)), court/arbitration-ordered telework (IG § 2(j)), and military spouse exemptions (IG § 2(i)). If you have an approved RA and your telework was revoked anyway, that is a separate and serious violation. Document it and contact your RA Coordinator immediately.

HOW TO USE THESE TEMPLATES

- STEP 1 — DOWNLOAD: Three files are attached — TIGTA complaint, Senate letter, House letter.
- STEP 2 — PERSONALIZE: Complete every [bracketed] field with your own information. File only under your own name based on your own experience. Do not file for someone else.
- STEP 3 — FILE TIGTA FIRST: Online at treasury.gov/tigta ('Report Fraud, Waste, or Abuse') | Phone: 1-800-366-4484 | Mail: TIGTA, P.O. Box 589, Ben Franklin Station, Washington DC 20044. TIGTA creates the official investigative record.
- STEP 4 — SEND CONGRESSIONAL LETTERS: Send to YOUR representatives only — Senate version to your two U.S. Senators (senate.gov/senators/senators-contact.htm), House version to your Representative (house.gov/representatives/find). Certified mail plus online constituent portal for maximum impact.
- STEP 5 — BUILD YOUR OWN RECORD: Save your original telework agreement, all RTO emails, and note whether you received an individualized written denial. Document YOUR situation only. Do not document coworkers' arrangements — a colleague still teleworking may have an approved RA, settlement agreement, or court order. Tracking them could violate their privacy and out a protected disability. If you suspect disparate treatment, raise it through your union rep or EEO counselor, who can investigate through proper protected channels.

BARGAINING UNIT EMPLOYEES

Your rights also flow through the National Agreement with NTEU, Article 50. Agreement cancelled without the individualized Article 50 process — grievance. Agency refusing arbitration — that's an independent Unfair Labor Practice; your union files with the FLRA (flra.gov). The HHS and HUD arbitration decisions already established that agencies cannot blanket-end telework without bargaining — that precedent applies here. Contact your local NTEU chapter rep and share this post.

DISCLAIMERS — READ BEFORE FILING

- NOT legal advice. Informational templates only.
- File only under your own name based on your own personal experience.
- Active EEO case, grievance, or legal matter? Consult your representative before filing.
- Verify current versions of all cited documents before submitting.
- Retaliation for filing protected complaints is prohibited. Report retaliation to OSC (osc.gov).

SOURCES — VERIFY EVERYTHING YOURSELF

5 U.S.C. Chapter 65 (Telework Act): uscode.house.gov | IRM 6.800.2: irm.web.irs.gov | IG HCO-06-0525-0001: request from your manager or HCO

TIGTA: treasury.gov/tigta | FLRA: flra.gov | OSC (retaliation): osc.gov

Find Senators: senate.gov/senators/senators-contact.htm | Find Representative: house.gov/representatives/find

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